

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 14-10569
Non-Argument Calendar

D.C. Docket No. 8:13-cr-00038-JSM-TBM-2

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ALONIZA J. WILLIAMS,
a.k.a Cat,

Defendant - Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(March 28, 2017)

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before MARCUS, JULIE CARNES and JILL PRYOR, Circuit Judges.

PER CURIAM:

After Aloniza Williams pled guilty to being a felon in possession of a firearm, the district court imposed an enhanced sentence under the Armed Career Criminal Act (“ACCA”), 18 U.S.C. § 924(e). Williams appeals the district court’s decision to classify and sentence him as an armed career criminal, contending that the district court erred in finding that three of his prior criminal convictions were violent felonies under ACCA. The district court predicated Williams’s ACCA enhancement on four convictions for burglary under Florida law.¹ On appeal, we affirmed Williams’s sentence, concluding that Florida burglary qualified as an ACCA predicate under that statute’s so-called residual clause, *United States v. Williams*, 603 F. App’x 919 (11th Cir. 2015) (unpublished), which the Supreme Court subsequently held violated the Constitution’s guarantee of due process, *see Johnson v. United States*, 135 S. Ct. 2551 (2015). Williams petitioned the Supreme Court for certiorari, and that Court granted his petition, vacated our opinion affirming his sentence, and remanded for further proceedings.

The government now concedes, and we agree, that Williams’s ACCA-enhanced sentence must be vacated because Williams has no predicate convictions that support the enhancement. In *United States v. Esprit*, 841 F.3d 1235, 1240–41

¹ Only three convictions are required to trigger the ACCA enhancement. *See* 18 U.S.C. § 924(e)(1).

(11th Cir. 2016), decided after *Johnson*, this Court held that Florida burglary is not a violent felony under ACCA. Williams's only potential predicate offenses were Florida burglary convictions. In light of *Esprit*, these convictions can no longer serve to enhance his sentence.

Accordingly, Williams's ACCA sentence is vacated, and his case is remanded to the district court for resentencing without the ACCA enhancement.

VACATED AND REMANDED.